IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12055 of 1993
With
SPECIAL CIVIL APPLICATION No. 10373 of 1994
With
SPECIAL CIVIL APPLICATION No. 10914 of 1994

For Approval and Signature
HON'BLE MISS JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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A V RAMANI & 5 - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MRS KETTY A MEHTA for Petitioner No(s).: 1,2,3,4,5.
GOVERNMENT PLEADER for Respondent No(s).: 1,2.
MR JB PARDIWALA for Respondent No(s).: 2,3.
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CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT
Date : 27/07/2005

COMMON ORAL JUDGMENT

These three writ petitions have been preferred by the female employees of the High Court. The petitioners being the employees of the High Court were receiving House Rent Allowance as was admissible to the Government servants. The spouse of the petitioners also being

Government servants were allotted Government residential quarter. The petitioners were occupying the said Government quarters along with their spouse. As the petitioners were not residing in their own accommodation the High Court decided to withdraw the House Rent Allowance hitherto paid to the petitioners. Feeling aggrieved, the petitioners have preferred the present petitions.

Learned advocate Mrs.Mehta has submitted that pending these petitions in view of the interim orders made on the petitions the petitioners continued to receive House Rent Allowance as was payable to them. During pendency of these petitions the petitioners have shifted to their own premises. As they are not occupying Government residential quarter they are entitled to House Rent Allowance and they are receiving the House Rent Allowance. The matter at issue has become academic unless the High Court decides to seek recovery of House Rent Allowance paid to the petitioners.

Learned advocate Mr.Pardiwala has submitted that no such action is under contemplation at present.

In view of the above facts the cause of action does not survive. The petitions are accordingly disposed of. Rule nisi issued in each petition is discharged. Interim relief stands vacated. The parties shall bear their own cost.

It is clarified that in the event the High Court decides to recover the amount of House Rent Allowance paid to the petitioners while they were occupying Government residential quarter, the petitioners shall be at liberty to challenge such recovery. The Registry shall maintain copy of this order in each petition.

(Ms. R.M.Doshit, J.)

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